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C O N F I D E N T I A L SECTION 01 OF 02 ROME 001345

SIPDIS

FOR SA/PAB, EUR/WE, DRL/MLA, IO, IO/ESA
GENEVA FOR CHRIS CAMPONOVO

E.O. 12958: DECL: 03/28/2008

TAGS: [PHUM IT IT AF](#) [AFPHUM AFGHANISTAN HUMAN RIGHTS](#)

SUBJECT: GOI THINKS SOME KIND OF RESOLUTION ON AFGHANISTAN
IS INEVITABLE

REF: A. STATE 80103

[B. ROME 1168](#)

CLASSIFIED BY: POL MINCOUNS THOMAS COUNTRYMAN, REASONS 1.5 (B) AND (D).
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[¶1.](#) (C) SUMMARY: WE DELIVERED REFTEL POINTS TO BOTH AFGHAN AND HUMAN RIGHTS COUNTERPARTS IN THE MFA, AND BOTH SAID THE GOI DID NOT SEE HOW A UNCHR DOCUMENT COULD BE AVOIDED. VARIOUS EU MEMBER STATES WERE ADAMANT THAT A RESOLUTION (EVEN STRONGER THAN THAT ORIGINALLY PROPOSED BY ITALY) WAS NECESSARY; A DOCUMENT WAS NEEDED TO PROVIDE THE LEGAL BASIS FOR UN EXPENDITURES AND ASSISTANCE TO THE TISA; AND "PUBLIC OPINION" WOULD NOT UNDERSTAND THE LACK OF A RESOLUTION ON A COUNTRY WHERE MANY PROBLEMS REMAINED, DESPITE SUBSTANTIAL PROGRESS. THAT SAID, THE GOI IS WILLING TO WORK WITH US ON VIRTUALLY ANY LANGUAGE, UNDERSTANDS THAT THE END RESULT MUST BE "MUCH SOFTER," AND WOULD ACCEPT EITHER A RESOLUTION UNDER ITEM 19 OR A CHAIRMAN'S STATEMENT WITH EASE. EMBOFFS IMPRESSED ON OUR INTERLOCUTORS THAT WASHINGTON DID NOT THINK ANY KIND OF RESOLUTION OR STATEMENT WOULD BE HELPFUL TO THE KARZAI GOVERNMENT OR GIVE CREDIT TO THE PROGRESS WE HAD JOINTLY MADE IN AFGHANISTAN THUS FAR. END SUMMARY.

[¶2.](#) (C) LABOR COUNSELOR AND POLOFF DELIVERED REFTEL POINTS TO CONS. GIUSEPPE CALVETTA, MFA HUMAN RIGHTS OFFICE DIRECTOR, AND TO MIN. ENRICO DE MAIO, MFA SPECIAL COORDINATOR FOR AFGHANISTAN, IN SEPARATE MEETINGS ON MARCH 28. WE ALSO LEFT THE POINTS WITH MIN. ALESSANDRO DI FRANCO, CHIEF OF STAFF FOR UNDER SECRETARY FOR ASIA AND HUMAN RIGHTS MARGHERITA BONIVER. (WE HAD HELD EXTENSIVE CONVERSATIONS WITH ALL THREE BETWEEN RECEIPT OF THE ORIGINAL GOI DRAFT UNCHR RESOLUTION ON AFGHANISTAN (REF B) AND RECEIPT OF REF A.) DE MAIO EXPRESSED UNDERSTANDING FOR WASHINGTON'S REACTION TO THE DRAFT TEXT, WHICH HE INDIRECTLY ACKNOWLEDGED DID NOT REFLECT ADVANCES MADE BY THE KARZAI GOVERNMENT, BUT BOTH HE AND CALVETTA SAID CONFIDENTIAL

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IT WOULD BE VIRTUALLY IMPOSSIBLE TO WITHDRAW THE RESOLUTION AT THIS POINT. EMBOFFS STRESSED THAT WASHINGTON WAS NOT PREPARED TO ACCEPT A RESOLUTION ON AFGHANISTAN AND BELIEVED STRONGLY THAT ANY RESOLUTION WOULD BE COUNTERPRODUCTIVE AND RISKED DAMAGING THE TRANSITIONAL ISLAMIC STATE OF AFGHANISTAN.

[¶3.](#) (C) THE GOI HAD THREE REASONS IT BELIEVED WITHDRAWING THE RESOLUTION WAS NOT FEASIBLE. FIRST, OUR COUNTERPARTS SUGGESTED, WITHOUT ANY KIND OF TEXT, THE UN WOULD NOT BE IN A POSITION TO OFFER TECHNICAL ASSISTANCE OR EXPEND RESOURCES TO CONTINUE ASSISTING AFGHANISTAN IN IMPROVING ITS HUMAN RIGHTS SITUATION. (NOTE: WE WERE NOT ABLE TO ADDRESS THIS POINT EFFECTIVELY, BUT BOTH CALVETTA AND DE MAIO HAVE SERVED IN GENEVA AND WERE CONVINCED THIS WAS TRUE.) SOME KIND OF RESOLUTION, CALVETTA EMPHASIZED, PROVIDED THE "LEGAL BASIS" FOR UN INTERVENTION AND ASSISTANCE.

[¶4.](#) (C) SECOND, MANY IN THE EU (BOTH MEN SUGGESTED IN PARTICULAR THE NORDIC COUNTRIES) INSISTED ON A RESOLUTION, AND INDEED WANTED ONE MORE STRONGLY-WORDED THAN THE ORIGINAL GOI DRAFT AND UNDER ITEM 9 IN THE CHR. CALVETTA SUGGESTED THE GOI HAD TAKEN THE PEN IN PART TO ENSURE THE LANGUAGE WOULD NOT BE MADE WORSE. GIVEN INTERNAL EU DYNAMICS, THE GOI WAS CONVINCED THE IDEA OF "MAKING THE RESOLUTION DISAPPEAR" WAS A NON-STARTER. TO BOLSTER THE POINT, CALVETTA SHARED THE TEXT OF AN ITALIAN PAPER INTENDED FOR EU PARTNERS, ARGUING ON BEHALF A SOFTER RESOLUTION. (TEXT OF PAPER AT PARA 9.)

[¶5.](#) (C) THE THIRD (COMMENT: AND WEAKEST) ITALIAN POINT WAS THAT "PUBLIC OPINION" DEMANDED SOME KIND OF RESOLUTION, IN LIGHT OF ONGOING PROBLEMS IN AFGHANISTAN. FULLY RECOGNIZING CONFIDENTIAL

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THAT THE TISA WAS NOT THE PERPETRATOR OF THE ABUSES, CALVETTA SAID NONETHELESS EUROPEAN PUBLICS, AT LEAST, "WOULD NOT UNDERSTAND" HAVING NO RESOLUTION ON AFGHANISTAN. (NOTE: HE MAY HAVE BEEN REFERRING AS WELL TO EUROPEAN HUMAN RIGHTS NGOS.)

16. (C) BOTH CALVETTA AND DE MAIO URGED THE U.S. TO WORK WITH THE GOI IN GENEVA TO IMPROVE THE LANGUAGE. (CALVETTA WILL ARRIVE IN GENEVA ON MARCH 29 FOR AT LEAST SEVERAL DAYS.) CALVETTA SAID THE GOI WAS VERY FLEXIBLE ON WORDING AND FORMAT. HE ACKNOWLEDGED THE DOCUMENT SHOULD BE MUCH SHORTER AND "SOFTER." THE GOI WANTED A DOCUMENT THAT COULD BE ADOPTED AT CONSENSUS, INCLUDING BY THE AFGHAN DELEGATION, WHICH, HE SAID, RECEIVED A DRAFT THE MORNING OF MARCH 28. THE GOI COULD ACCEPT EITHER AN ITEM 19 RESOLUTION OR A CHAIRMAN'S STATEMENT. THE THREE DELEGATIONS COULD WORK TOGETHER TO ENSURE NOTHING IN THE RESOLUTION WAS OFFENSIVE. THE GOI WAS FLEXIBLE AS WELL ON THE IDEA OF A SPECIAL COMMISSION TO INVESTIGATE PAST HUMAN RIGHTS ABUSES AND WOULD ASSIST US WITHIN THE EU IN KEEPING THIS PROVISION OUT, IF THE U.S. SAW IT AS A PROBLEM. CALVETTA REITERATED THAT THE GOI COULD WORK OUT ESSENTIALLY ANY LANGUAGE -- BUT A RESOLUTION OF SOME SORT WAS VIRTUALLY INEVITABLE, IN HIS OPINION. CALVETTA STRONGLY URGED THE U.S. NOT TO DEMAND A VOTE ON THE

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INFO	LOG-00	AID-00	AMAD-00	CIAE-00	INL-00	DODE-00	SRPP-00
	EB-00	EUR-00	TEDE-00	INR-00	IO-00	LAB-01	L-00
	NEA-00	NSAE-00	NSCE-00	OIC-02	OPIC-01	PA-00	PRS-00
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RESOLUTION, BUT TO WORK WITH ITALY IN KEEPING THE DOCUMENT A CONSENSUAL ONE, EVEN IF THE U.S. HAD TO ISSUE A STATEMENT TO CLARIFY ITS RESERVATIONS.

17. (C) DURING THESE AND PREVIOUS CONVERSATIONS, OUR MFA
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INTERLOCUTORS (INCLUDING DI FRANCO OF U/S BONIVER'S OFFICE) REPEATEDLY UNDERSCORED THAT BY MOVING THE RESOLUTION TO ITEM 19, WE WERE ENSURING THAT AFGHANISTAN, UNLIKE BURMA, CUBA OR OTHER "BAD" COUNTRIES, WAS NO LONGER ON THAT LIST. IT HAD "GRADUATED." THEY ALSO SAID THE INTERNATIONAL COMMUNITY HAD A GOOD STORY TO CONVEY ABOUT AFGHANISTAN'S SUCCESS AND COULD USE THE REVISED TEXT OF A RESOLUTION AS THE BASIS FOR PUTTING THAT MESSAGE BEFORE THE WORLD.

18. (C) COMMENT: USMISSION GENEVA WILL BE BETTER ABLE TO EVALUATE THE POINTS RAISED BY THE ITALIANS, BUT OUR INTERLOCUTORS WERE CONVINCED OF BOTH THE "LEGAL" NEED FOR A RESOLUTION TO ENABLE UN EXPENDITURES AND THE IMPOSSIBILITY OF WITHDRAWING THE RESOLUTION AT THIS POINT, DUE TO PRESSURE FROM OTHER DELEGATIONS. WE JUDGE THAT IT WILL BE IMPOSSIBLE TO CONVINCE ITALY AT THE WORKING LEVEL TO WITHDRAW A RESOLUTION COMPLETELY. IF WASHINGTON REMAINS CONVINCED WITHDRAWAL IS THE ONLY OPTION, HIGHER-LEVEL INTERVENTION WILL BE REQUIRED.

19. (C) BEGIN TEXT OF INTERNAL MFA PAPER (AS PROVIDED IN ENGLISH BY THE MFA). PLEASE PROTECT.

THE NEW TEXT INCORPORATES MOQ OF THE SUGGESTIONS AND COMMENTS MADE BY PARTNERS. IN PARTICULAR IT MAKES REFERENCE TO THE ESTABLISHMENT OF AN INDEPENDENT COMMISSION OF INQUIRY (OP. 40 PARA 1). THE WORDING IS THE ONE SUGGESTED BY UK AND TAKEN FROM THE RECOMMENDATION MADE BY THE SPECIAL RAPPORTEUR ON EXTRA JUDICIAL KILLINGS. ITALY IS NOT AGAINST IN PRINCIPLE TO THE ESTABLISHMENT OF THE COMMISSION AND SHARES THE VIEW THAT THE INTERNATIONAL COMMUNITY SHOULD ENCOURAGE
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THE AFGHAN AUTHORITIES TO HANDLE THE PAST ATROCITIES. BUT HAVING CONSIDERED THAT THE CONSTITUTION OF THE INDEPENDENT COMMISSION OF INQUIRY IS STILL UNDER EVALUATION BY THE UNCHR THAT THE DRAFT CHAIRPERSON'S STATEMENT ALREADY CONTAINS A

NUMBER OF SPECIFIC REFERENCES TO THE NEED FOR INVESTIGATING CRIMES OF THE PAST AND COMBATING IMPUNITY, AND THAT BOTH BRAHIMI AND KARZAI HAVE SHOWN A CAUTIOUS APPROACH ON THE ISSUE IN LIGHT OF THE CURRENT DELICATE POLITICAL CONTEXT, ITALY SUGGESTS TO KEEP A FLEXIBLE APPROACH AND CONSIDERS THE POSSIBILITY OF DROPPING SUCH A REFERENCE IN THE COURSE OF FURTHER NEGOTIATIONS OF THE TEXT WITH THIRD COUNTRIES.

THE NOMINATION OF AN INDEPENDENT EXPERT (OP. 40 PARA C) TO REPLACE THE SPECIAL RAPPORTEUR IS A TECHNICAL RESULT OF THE DECISION TO PRESENT THE CHAIRPERSON'S STATEMENT UNDER ITEM 19 OF THE CHR AGENDA. AS IN THE CASE OF SOMALIA HE IS ENTRUSTED WITH PERIODICALLY REPORTING TO THE COMMISSION ON THE SITUATION OF HUMAN RIGHTS IN AFGHANISTAN.

ITALY BELIEVES THAT SUBSTANTIAL CHANGES IN THE INTERNAL SITUATION IN AFGHANISTAN FULLY JUSTIFY THE DECISION TO TABLE THIS TEXT UNDER ITEM 19 OF THE AGENDA. THE TRANSITIONAL AUTHORITY HAS GIVEN CONCRETE EVIDENCE OF ITS COMMITMENT TO CO-OPERATE IN AN EFFECTIVE WAY WITH THE INTERNATIONAL COMMUNITY IN THE FIELD OF HUMAN RIGHTS AND WE NEED TO FOCUS ON HOW TO STRENGTHEN ITS CAPACITY TO DEAL WITH THESE TOPICS AND SUPPORT ITS EFFORTS IN THE FIELD. A COMMUNICATION TO THE PLENARY IN THIS RESPECT WILL BE ISSUED BY THE ITALIAN DELEGATION JUST AFTER THE PRESENTATION OF THE REPORT BY THE SPECIAL RAPPORTEUR.

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